IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1567 OF 2006

Sagar Gautam Kavare. ...Applicant
V/s.
State of Maharashtra. ...Respondent

Shri Vikas Shivarkar for Applicant.
Ms.M.M. Deshmukh, APP for the State.

CORAM : V.M. KANADE, J.

DATED : APRIL 25, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant was arrested on 25th January, 2005 in connection with an offence punishable under Section 302 read with Sections 149, 143, 147, 148 of the IPC.

2. It is alleged that accused No.1 Sohel and deceased Fayyaz were on enimical terms with each other. It is alleged that all the accused conspired to murder Fayyaz and accordingly, on the date of the incident, they kept the watch on Fayyaz, followed him and murdered him.

3. Learned Counsel for the applicant has submitted that so far as the present applicant is concerned, one of the witnesses Sanjay Hendre in his statement has clearly stated that before the incident had taken place, the present applicant had left the company of the accused on the pretext of filling the petrol tank of his motor-cycle and went towards the Solapur Bazar Chowk. The chargesheet has been filed in the present case. There is no recovery at the instance of the applicant. No other witnesses have attributed any specific role of the applicant in committing the murder of deceased Fayyaz. The applicant is 19 years of age. Considering all these circumstances, in my view, the applicant is entitled to be released on bail.

4. The applicant be released on bail in the sum of Rs.5000/- with one or two sureties in the like amount. He shall not enter the jurisdiction of Lashkar Police Station during the pendency of the criminal case. The applicant shall report to the nearest police station from his new residential address twice in a month. The

applicant shall give his new address to the Superintendent of Jail before he is released.

5. The applicant shall not tamper with the evidence or threaten the witnesses. If any complaint is received by the Investigating Officer, the Public Prosecutor is at liberty to file an application for cancellation of bail.

6. The trial Court shall not be influenced by any observations made by this Court while deciding the application and the same shall not be construed as an expression of opinion on merits of the case.

. The application is disposed of.

(V.M. Kanade, J.)